

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman

FROM: Ronald A. Gitter, Appellate Specialist
Board of Review

Subject: Minutes of the March 7, 2012
Board of Review Meeting

Date: March 8, 2012

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor and Workforce Development was held on Wednesday, March 7, 2012, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, March 14, 2012, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman
Mr. Yarbrough, Vice-Chairman
Mr. Maddow, Member
Ms. Wardell, Executive Secretary
Mr. Gitter, Appellate Specialist

2. Following a motion by Mr. Maddow and seconded by Mr. Yarbrough, the minutes of the February 29, 2012 meeting were approved.

3. New Business

(a) 330,354

As described by Ms. Futterman, this case involved a claimant who was discharged from his job for wiping a thermometer with the same glove he had just used in working with chicken. The Appeal Tribunal held the claimant disqualified for benefits under N.J.S.A. 43:21-5(b) on the ground that his discharge was for severe misconduct connected with the work.

The Board, after a discussion noted that the claimant had received prior warnings and agreed to affirm the decision of the Appeal Tribunal. Ms. Futterman will prepare the decision.

(b) 344,524

Ms. Alverio presented this case involving a claimant who was discharged due to a customer complaint that employees were singing and dancing on the sales floor. The Appeal Tribunal held the claimant disqualified for benefits under N.J.S.A. 43:21-5(b) on the ground that the claimant was discharged for simple misconduct connected with the work.

After discussion, the Board noted that the employer's testimony was hearsay and voted to reverse the decision of the Appeal Tribunal. Ms. Alverio will prepare the decision.

(c) 332,913

As described by Mr. Gitter, this case involved a claimant who resigned from his employment to avoid disciplinary action from the employer and criminal prosecution. The Appeal Tribunal held the claimant disqualified for benefits under N.J.S.A. 43:21-5(b) on the ground that the claimant was discharged for gross misconduct connected with the work. After a discussion, the Board voted that the claimant was not discharged from his employment, but rather, voluntarily left his job without good cause. Mr. Gitter will prepare the decision.

There being no further business to transact, a motion was made by Mr. Yarbrough to adjourn the meeting. Mr. Maddow seconded the motion.

SUBMITTED FOR APPROVAL:

Ronald Gitter
Appellate Specialist

RAG:dac